

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-12118-2019(O&M)
and other connected cases.
Date of Order: 06.09.2021**

GAJEY SINGH THROUGH LRS AND ANR

..Petitioners

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jhanji, Sr. Advocate
with Mr. Sandeep Sharma, Advocate,
for the petitioners.

Mr. Ram Bilas Gupta, Advocate
for the petitioners.
(in CWP-36627-2019)

Mr. Arvind Seth, Advocate
for respondent-HSVP.
(in CWP-12118-2019, CWP-12570-2020 and
CWP-34380-2019)

Mr. Deepak Sabharwal, Addl. AG, Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this order, CWP-12118-2019, CWP-15879-2018, CWP-16253-2018, CWP-34380-2019, CWP-36627-2019, CWP-12570-2020, CWP-16242-2018 and COCP-353-2021 shall stand disposed of.

The petitioners pray for issuance of a writ in the nature of the mandamus directing the respondents to acquire their land and pay compensation accordingly in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is alleged that some part of the petitioner's land has been utilized for constructing metro line/railway station.

An additional affidavit of Administrator, HSVP, Faridabad, has been filed while taking a stand that wherever the land has been utilized for metro

project without acquisition, the Chief Administrator, HSVP-cum-MD, HMRTC, has approved the payment as per the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Para 4 of the affidavit reads as under:-

“That in the present case alongwith other connected matters where land has been utilized for metro project without acquisition, it has been informed by Advisor (Planning), Haryana Mass Rapid Transport Corporation Limited vide its letter dated 03.09.2021 that Chief Administrator, HSVP-cum-Managing Director, HMRTC has approved the payment to be done as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to the land owners whose land has been utilized for the construction of metro. Further, it has been requested vide letter dated 03.09.2021 to release the funds to the land owners whose court cases are listed for hearing on 06.09.2021 in first go. Thereafter, the payment of other land owners may also be made by giving priority to the matters under litigation. Thus, the whole process to make the compensation has to be initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. A decision to this effect has been taken and the process will be initiated soon. A copy of letter dated 03.09.2021 is annexed herewith as Annexure-A.”

Sh. Deepak Sabharwal, Additional Advocate General, Haryana, has undertaken that the payment shall be released to the petitioners within a period of six months from today.

Sh. Amit Jhanji, Sr. Advocate representing the petitioners submit that in view of the aforesaid stand, the writ petitions be disposed of.

Ordered accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

September 06, 2021

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No